

September 24, 1998

"It's the Perjury, Stupid!"

Sexual Misconduct Is Not the Issue

They seem to believe at the White House that the President's current troubles have been caused by an independent counsel who wrongfully pried into Mr. Clinton's private life. Public opinion polls show that many others hold the same view. But, the President's present problems are *not* about his private life.

Whether the extramarital sexual activities of a President of the United States are matters of legitimate public concern — (a) always, (b) never, or (c) sometimes — is an interesting question. However, that question is precisely *not* the question that now faces Congress and the country. Mr. Clinton's *private, sexual* activities are *not* the activities at issue. Mr. Clinton stands formally accused of perjury, obstruction of justice, and abuse of power — not of illicit sexual activity.

The independent counsel made a report to the House of Representatives because, in the course of his chartered investigation, he discovered "substantial and credible information" that "may constitute grounds for an impeachment." This is what the law requires of Mr. Starr. The House of Representatives then released the report to the public. The report does *not* charge Mr. Clinton with adultery or any other illicit sexual activity. The report *does* say that President Clinton—

- "lied under oath to a grand jury,"
- "lied under oath at a civil deposition,"
- "attempted to obstruct justice," and
- "engaged in a pattern of conduct that was inconsistent with his constitutional duty to faithfully execute the laws."

On the day after the independent counsel's report was released, *The Washington Post* in its lead story described the report as follows:

"President Clinton betrayed his 'constitutional duty to faithfully execute the laws' by engaging in a pattern of 'abundant and calculating' lies regarding his relationship with Monica S. Lewinsky, prosecutors charged in an impeachment report overflowing with graphic accounts of sexual escapades in the Oval Office suite.

"The extraordinary 453-page document prepared by independent counsel Kenneth W. Starr and made public yesterday by the House of Representatives accused Clinton of becoming sexually involved with 'a young subordinate employee' and then orchestrating a coverup campaign using aides, friends and resources of the White House. In all, it listed 11 possible grounds for impeachment, including perjury, witness tampering, obstruction of justice and abuse of power."

We quote *The Washington Post* (and we could have chosen any other paper in the country) only to demonstrate that every reader of "the Starr report" ought to recognize that the President is being accused of serious political offenses, not sexual misconduct.

Today's *Post* carries an editorial that criticizes the "critically flawed premise that has guided Mr. Clinton from the start — that is, that he can get out from under this scandal without admitting, or credibly disputing, the accusations of wrongdoing. And by wrongdoing we do not mean the 'sins' that Mr. Clinton says he is working on with his family and pastors. We mean the serious criminal wrongdoing alleged in the Starr report."

It may be that the House of Representatives will decide that the President should not be impeached for the serious political offenses that have been lodged against him — but it will never decide that the President should not be found guilty of sexual misconduct because that question is not before the House.

In recent days, the sexual misconduct of several Members of the House of Representatives has come to light. Apparently, there are those who think that adultery by a Representative is somehow relevant to his standing in judgment of the President. This proposition might have some merit if the President were being charged with adultery, but he isn't. The President is being charged with perjury, witness tampering, obstruction of justice, and abuse of his office; he is not being charged with adultery.

There *has* been sexual misconduct in the White House (even the President now concedes as much), but sexual misconduct is not what the United States House of Representatives is now considering. The House is asking whether the President ought to be impeached for the high crimes and misdemeanors of perjury, witness tampering, obstruction of justice, and abuse of office.

It's the perjury, not the adultery, that Congress must confront.

Or, to put it crudely, "It's the perjury, stupid!"

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Sources: [1] "Referral from Independent Counsel Kenneth W. Starr in Conformity with the Requirements of Title 28, United States Code, Section 595(c)," H. Doc. 105-310, 105th Cong., 2d Sess. 1 (ordered printed Sept. 11, 1998).
[2] "Starr Alleges 'Abundant' Lies; President Denies Impeachability," *The Washington Post*, Sept. 12, 1998, page A1.
[3] "The 'Critical Flaw'," [editorial], *The Washington Post*, Sept. 24, 1998, page A24.